

On February 24, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 18 gallon cans of olive oil at Kent, Pa., alleging that the article had been shipped in interstate commerce on or about January 15, 1942, by Alberto Maltese from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Roberta Brand Pure Olive Oil Imported From Lucca Toscana Italy."

The article was alleged to be adulterated (1) in that artificially flavored and colored cottonseed oil had been substituted wholly or in part for olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial flavor and artificial color; (3) in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and (4) in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

It was alleged to be misbranded: (1) In that the following statements, (main panels) "Pure Olive Oil Imported From Lucca Toscana Italy \* \* \* [similar statements in Italian and designs of gold medals, olive branches, and olives]," (side panels) "This Olive Oil is guaranteed to be absolutely pure under chemical analysis. \* \* \* [similar statements in Italian, German, French and Spanish]," and (top) "Imported Pure Olive Oil," were false and misleading as applied to an article consisting essentially of artificially flavored and colored cottonseed oil. (2) In that it was offered for sale under the name of another food. (3) In that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated. (4) In that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor. (5) In that it contained artificial flavoring and artificial coloring and failed to bear labeling stating that fact.

On March 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions. On March 27, 1942, the decree was amended to provide for destruction of the product.

**3805. Misbranding of olive oil. U. S. v. 18 Cases of Olive Oil. Product ordered released under bond for relabeling.** (F. D. C. No. 7104. Sample No. 85139-E, 85289-E.)

This product was short of the declared weight.

On March 27, 1942, the United States attorney for the Eastern District of Washington filed a libel against 18 cases, each containing 24 bottles, of olive oil at Yakima, Wash., alleging that the article had been shipped in interstate commerce on or about October 19, 1939, by the E. & J. Co. from Portland, Oreg.; and charging that it was misbranded. The article was labeled in part: "E & J Brand net wt. 4 ozs. Pure Virgin Olive Oil."

The article was alleged to be misbranded in that the statement "net wt. 4 ozs." was false and misleading, as applied to an article that was short weight; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On July 8, 1942, Coffin Bros., Inc., Yakima, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation, judgment was entered ordering that the product be released under bond for relabeling under the supervision of the Food and Drug Administration.

**3806. Misbranding of oil. U. S. v. 22 Cartons of Oil. Default decree of condemnation and destruction.** (F. D. C. No. 6887. Sample No. 85595-E.)

This product consisted essentially of corn oil with a sufficient infusion of olives to simulate the odor and taste of olive oil. It was short of the declared volume.

On February 27, 1942, the United States attorney for the Western District of Washington filed a libel against 22 cartons, each containing 6 cans, of oil at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 23, 1941, by Thos. Pipitone from New York, N. Y.; and charging that it was misbranded. It was labeled in part: (Main panels) "One Gallon Net Olio Superiore Bertola Brand Olive Infused Corn Oil Cured with Finest Olives."

The article was alleged to be misbranded (1) in that the statement "Olio Superiore" was false and misleading as applied to an imitation olive oil; (2) in that the statement "One Gallon Net" was false and misleading since the product was short volume; (3) in that it was an imitation of another food, olive oil, and

its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; (4) in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents; and (5) in that the label contained representations in a foreign language, Italian, and the information required by law to appear on the label (the word "imitation," the name of the food imitated, the quantity of contents, and the common or usual name of each ingredient) did not appear thereon in said foreign language.

On August 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3807. Misbranding of oil. U. S. v. 5 5-Gallon Cans of Oil. Default decree of condemnation and destruction. (F. D. C. No. 7466. Sample No. 64778-E.)**

This product was shipped in unlabeled cans and therefore failed to comply with certain labeling requirements of the law as indicated hereinafter.

On May 6, 1942, the United States attorney for the Western District of New York filed a libel against 5 5-gallon cans of oil at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about April 3, 1942, by Carmelo Polis from San Bernardino, Calif.; and charging that it was misbranded.

The article was alleged to be misbranded (1) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; (2) in that it failed to bear a label containing an accurate statement of the quantity of contents; and (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On June 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3808. Adulteration and misbranding of oil. U. S. v. 52 Cans of Oil. Default decree of condemnation and destruction. (F. D. C. No. 7543. Sample No. 86381-E.)**

On May 25, 1942, the United States attorney for the Western District of Michigan filed a libel against 52 cans of oil at Grand Rapids, Mich., alleging that the article had been shipped in interstate commerce on or about February 7, 1942, by Roma Macaroni Manufacturing Co., Inc., from Chicago, Ill., and charging that it was adulterated and misbranded. The article was labeled in part: (Can) "One Gallon Roma Brand Pure Oil \* \* \* Packed by J. A. Importing Co. Chicago, Ill."

The article was alleged to be adulterated in that a product consisting essentially of cottonseed oil with some peanut oil, and containing little or no olive oil, had been substituted wholly or in part for a blend of 78 percent and cottonseed oil and 22 percent pure imported olive oil, which it purported to be.

It was alleged to be misbranded (1) in that the statements on the can label, "One Gallon \* \* \* A Superb Blend of 78% choice peanut and cottonseed salad oil and 22% pure Imported Olive Oil," were false and misleading since it consisted essentially of cottonseed oil with some peanut oil and little or no olive oil and the cans contained less than 1 gallon; (2) in that the name "Roma," together with the picture of an ocean steamer and the design of an Italian flag borne on the label were false and misleading since such name and picture represented and suggested that it was of Italian origin, whereas it was not; and (3) in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents.

On July 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## SACCHARINE PRODUCTS

### CANDY

**3809. Adulteration of candy. U. S. v. Charles E. Carter (Atlanta Candy Co.). Plea of nolo contendere. Imposition of sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 7280. Sample Nos. 37576-E, 37577-E, 37578-E.)**

Filth, such as rodent hairs, insects, larvae, and miscellaneous insect fragments, was found in samples taken from these candies.

On June 10, 1942, the United States attorney for the Northern District of Georgia filed an information against Charles E. Carter, trading as Atlanta Candy Co. at Atlanta, Ga., alleging shipment on or about October 1 and 6, 1941, from